

Amendment No. 2 to SB3602

Watson
Signature of Sponsor

AMEND Senate Bill No. 3602

House Bill No. 3152*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated 4-24-104, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The commission shall be composed of nine (9) members, appointed by the governor as provided in this section. The commissioner of commerce and insurance and the executive director of the Fire Service and Codes Enforcement Academy shall be ex officio nonvoting members.

(b)

(1) Each appointed member, with the exception of volunteer members, shall be qualified by experience in the area of fire protection and related fields; meet the minimum training requirements of title 4, chapter 24, section 112; be a certified fire fighter II or above, and be an active or retired member of a fire department currently participating in the commission's certification training program.

(2) Each appointed volunteer member shall be qualified by experience; extinguish and control fires and fire-related emergencies as a member of a volunteer fire department recognized under title 68, chapter 102, part 3; meet the minimum training requirements of title 4, chapter 24, section 112; currently serve or has served as a training officer for a fire department; and not be considered a full-time employee of the fire department that they are representing.

(c)

(1) Three (3) members appointed to the commission may be selected from candidates submitted collectively by the Tennessee Fire Chief's Association, the Tennessee Fire Safety Inspectors Association, and the Tennessee Fireman's Association.

(2) Three (3) members appointed to the commission may be selected from candidates submitted by the governing body of the Tennessee Professional Firefighters Association.

(3) Three (3) members appointed to the commission shall be appointed by the governor. One appointment shall be a career firefighter and one appointment shall be a volunteer firefighter.

(4) The appointments shall be made in accordance with the following procedure:

(A) Within two (2) weeks after the occurrence of a vacancy in the office of any commissioner caused by death, resignation, disability, or forfeiture of office, and no later than thirty (30) days prior to the expiration of the term of office of any incumbent commissioner, the chair of the commission shall notify the appropriate association of the vacancy or expiration of the term when the vacancy or expiration results in an opening for that particular association to make recommendations for an appointment.

(B) Within twenty-one (21) days after the receipt of such notice the governing body of the association may submit to the governor a list of three (3) qualified nominees to fill such vacancy, in order of preference;

(C) Within twenty-one (21) days after the submission of the list or after the time for submission of the list has expired, the governor may appoint one (1) of the nominees for the remainder of the term, or for the next term, as the case may be; provided, that the governor may reject all nominees by written objection mailed to the association within the twenty-

one (21) day period, in which event the governing board of the association shall have twenty-one (21) days from receipt of the written objection within which to submit a second list of three (3) appointees in order of preference, and the governor may likewise reject all such nominees by written objection in the manner provided in this subdivision (c)(4)(C), in which event the procedure of objection by the governor and certification of additional names by the governing body of the association shall continue until the position is filled;

(D) In the event the governor fails to exercise the governor's executive power or power to object within the applicable twenty-one-day period, then the first name listed on the last list of recommended nominees shall be the appointee by operation of law; and

(E) In the event the governing body of the association fails to submit a list of qualified nominees as provided in this subsection(c), the governor may proceed to appoint a person meeting the qualifications for the position.

(d) In making appointments to the commission, the governor shall strive to ensure that at least one (1) person appointed to serve on the commission is sixty (60) years of age or older and that at least one (1) person appointed to serve on the commission is a member of a racial minority.

(e)

1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the commission:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the commission shall terminate all employment and association with any entity

whose business endeavors or professional activities are regulated by the commission, prior to serving as a member of the commission. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010;

(B) No person who is a member of the commission shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the commission during such person's period of service as a member of the commission. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010, and to all persons serving on the commission on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the commission shall be employed by or otherwise associated with any entity whose business endeavors or professional activities are regulated by the commission for one (1) year following the date such person's service on the commission ends. The provisions of this subdivision (1)(C) shall apply to members serving on the commission as of July 1, 2010 and to all members appointed to the commission subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in

accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(f) In addition to all other requirements for membership on the commission, all persons appointed or otherwise named to serve as members of the commission after July 1, 2010, shall be residents of this state.

(g) Commission members shall be appointed for six-year terms.

(h) The governor shall fill by appointment vacancies occurring during terms.

(i) Each grand division of the state shall be represented on the commission.

(j) A member whose term expires shall continue to serve on the commission until a new member is appointed.

(k) With the exception of the executive director of the Fire Service and Codes Enforcement Academy or the executive director's designee, who serves as a non voting member and whose attendance does not count towards a quorum, no state employee, including full-time, and part-time employees, shall be appointed to serve on the commission. This subsection (i) shall not affect the terms of the members of the commission appointed prior to April 11, 2007, but all appointments made on or after April 11, 2007, shall meet the requirements established in this subsection (i).

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring

it.